

Notice of Allowability

Application No.

10/693,299

Examiner

David A. Redding

Applicant(s)

MOSHENROSE ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/25/07.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Claims

1,2,4,13,14,16, and 19 were rejected as anticipated under 35 U.S.C. 102 (b) in view of WO 99/37198 (Gwilliam) in Office Action 5/17/07. Applicant argues the following :

Gwilliam does not disclose a base plate including one or more nozzle apertures. The Office Action mistakenly labels a sidewall 39 as being a base plate (see page 5, lines 2-3). Contrary to the Examiner's statement in the Response to Arguments, Gwilliam explicitly states that reference numbers 39 and 41 comprise sidewalls that are integral to the underside 52 of the shroud 21.

Gwilliam does not disclose a skid plate that assembles to a base plate. Gwilliam does not even disclose two plates that are assembled together. In contrast, Gwilliam discloses a bottom plate 26 that assembles to an open portion of a shroud 21. Gwilliam discloses that the bottom plate 26 provides a chamber floor for holding accumulated cleaning powder (see page 5, lines 6-8) and further discloses that it is "tray-shaped" (see page 4, line 25). Gwilliam does not mention a skid plate. Gwilliam does not teach or suggest that the bottom plate performs a skid plate function, and instead the bottom plate 26 (or tray 30) performs a tray function.

The Response to Arguments section of the final Office Action asserts that "the chassis bottom (21) is the structural equivalent [of a base plate] with the same function as the claimed base plate. The only difference is in the name of the parts." This is incorrect. A "base plate" by definition includes a plate. A plate is commonly defined as a planar surface, a sheet, or a thin, fiat or nearly flat solid object. In contrast, the shroud 21 of Gwilliam comprises a bottom portion comprising mostly apertures, including apertures for the brushrolls and an open chamber, wherein the bottom plate 26 of Gwilliam forms a substantially closed chamber. Labeling the shroud 21 of Gwilliam as being a "plate" defies any reasonable understanding of a plate and is completely illogical.

These arguments are considered to be persuasive and the rejection withdrawn.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran-Piazza can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/ David Redding /
Primary Examiner
Art Unit 1744

DAR